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EXPRESS MAIL LABEL NO: EV164949382



**PATENT
MAIL STOP CONVERSION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : Group Art Unit: Not Yet
Jon Konkle *et al.* : Assigned

Appln. No.: 60/439,889 : Examiner: Not Yet
Filed: January 14, 2003 : Assigned

Title: ADIPOSE TISSUE-DERIVED ADULT STEM : Attorney Docket No.
OR STROMAL CELLS FOR THE REPAIR OF : 059995-5003-02
ARTICULAR CARTILAGE FRACTURES AND :
USES THEREOF

**REQUEST TO CONVERT A PROVISIONAL APPLICATION TO A
NON-PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)(3)**

Applicants request that upon the filing of this paper the subject provisional application number 60/439,889 be converted to a nonprovisional application with a filing date of January 14, 2003. Additionally, Applicants request that, upon conversion, the nonprovisional application be granted the status of a continuation-in-part application under 37 C.F.R. §1.53(b), of co-pending U.S. application numbers 10/125,106, filed April 18, 2002, and 09/573,989, filed May 17, 2000, now U.S. Patent No. 6,429,013. Applicants also enclose herewith a preliminary amendment to include the priority claim under 35 U.S.C. §120 to the parent application.

As set forth in 37 C.F.R. §1.53(c)(3), the Commissioner is authorized to charge the filing fees to Deposit Account 50-0310 in the amount of \$570.00, which includes:

- the fee set forth in 37 C.F.R. §1.17(i) of \$130.00;
the surcharge required by 37 C.F.R. §1.16(e) of \$65.00; 10713965
the nonprovisional filing fee for a small entity of \$375.00.

01/20/2004 AWONDAF1 00000135 500310 60439889

01 FC:2001 385.00 DA
02 FC:2051 65.00 DA
03 FC:1460 130.00 DA

Adjustment date: 01/21/2004 JTIPPETT
01/20/2004 AWONDAF1 00000135 500310 60439889
01 FC:2001 385.00 CR
02 FC:2051 65.00 CR
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01/21/2004 JTIPPETT 00000004 500310
01 FC:2001 385.00 DA
02 FC:2051 65.00 DA
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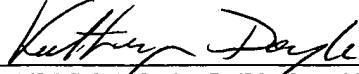
Applicants respectfully request favorable examination of this application.

Respectfully submitted,

KONKLE ET AL.

January 14, 2004
(Date)

By:


KATHRYN DOYLE, PH.D., J.D.
Registration No. 36,317
MORGAN, LEWIS & BOCKIUS, LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: (215) 963-5000
Direct Dial: (215) 963-4723
Facsimile: (215) 963-5001
E-Mail: kdoyle@morganlewis.com
Agent for Applicants

KD/QDN *der*

Enclosures: Preliminary Amendment
Unexecuted Declaration